

**PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

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Instructions – Read Carefully

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under the penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your personal account exceeds \$ _____, you must pay the filing fee as required by the rules of the district court.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is _____.
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

AO 241 (Rev. 5/85)

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HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District
Name <u>Kenneth L. Hunt</u>	Prisoner No. <u>W39104</u>	Case No.
Place of Confinement <u>M.C.I. - SHERLEY - MEDIUM</u> <u>P.O. BOX 1218</u> <u>SHERLEY MA 01464-1218</u>		
Name of Petitioner (include name under which convicted) <u>Kenneth L Hunt</u>	Name of Respondent (authorized person having custody of petitioner) <u>Jane Davidson Montori</u> <u>V. Assistant District Attorney</u> <u>Hall of Justice 50 State Street</u> <u>Springfield, MA 01102-0559</u>	
The Attorney General of the State of: <u>MASSACHUSETTS</u>		

PETITION

- Name and location of court which entered the judgment of conviction under attack HAMPDEN COUNTY
Superior Court, 50 State St, Springfield, MA
 - Date of judgment of conviction July 23, 1982
 - Length of sentence Natural Life without Parole
 - Nature of offense involved (all counts) First degree murder
-
5. What was your plea? (Check one)
- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐
- If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:
- N/A
-
6. If you pleaded not guilty, what kind of trial did you have? (Check one)
- (a) Jury ☒
- (b) Judge only ☐
7. Did you testify at the trial?
Yes ☒ No ☐
8. Did you appeal from the judgment of conviction?
Yes ☒ No ☐

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9. If you did appeal, answer the following:

(a) Name of court S.T.C.(b) Result Judgment affirmed(c) Date of result and citation, if known MAY 21, 1984(d) Grounds raised Testimony from witness that was prejudicial,
A juror's knowledge of defendant's criminal record.

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Hampden County Superior Court(2) Nature of proceeding RULE 30(B) of mass R.P.(3) Grounds raised Ineffective Counsel, Tampered evidence,

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: Ineffective Assistance of counsel by

Supporting FACTS (state briefly without citing cases or law) Attorney John F. Donahue by failing to provide a forensic expert to challenge the State's forensic expert evidence. Donahue, never bothered to cross check the victim blood to determine if the blood traces found on the defendant clothes actually came from the victim

B. Ground two: Tampering with the evidence by removing fibers from the defendant's sweater

Supporting FACTS (state briefly without citing cases or law) Detective Alfred Ingham who was in charged of handling the evidence, after packing each item in their own bags, secured them in a locked evidence room on the 18th of January 1982, then on January 27th, 1982 (9) he returned to the locked evidence room and reopening the bag containing the defendant's sweater and removal of some fibers from the defendant's sweater and placing them in an envelope containing other fibers.

- C. Ground three: Forensic Expert Failed To Test all The Evidence Properly and not Testing some Evidence at all

Supporting FACTS (state briefly without citing cases or law) Nancy Murphy

defendant's sweater that he was wearing at the time of the murder was never tested for fibers or blood by the states forensic, defendant's jacket and a sock and (fingernail clippings of the victim) blood was present but was unable to obtain a group-typing or a blood type - A or B, but no test was done to determine if the blood belonged to the victim or the defendant.

Forensic examined all of Harrison Grant's clothes boy friend of victim had group (B) blood on it

- D. Ground four: conviction obtained by misleading the jury and the S.J.C

Supporting FACTS (state briefly without citing cases or law) Jury and S.J.C

The Jury and S.J.C. was misled by believe that defendant's sweater had matched the victim's robe. Fibers on the knife were similar to the fibers of the victim robe were similar to fibers taken from defendant's sweater. states forensic nancy murphy stated that she never test defendant's sweater at all. (blood stain clothes belonging to the boyfriend of the victim A-shoes has human blood on it A-white T-shirt has human blood on it - A-white underwear has human blood on it A-jack has human blood type B on it

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐

No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing All proceeding were handled by ATTY. John F. Donahue from arraignment through

(b) At arraignment and plea Appeal, Address: market place 1365 main Street Springfield, MA 01103

- (c) At trial _____

- (d) At sentencing _____

- (e) On appeal _____

- (f) In any post-conviction proceeding _____

- (g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

 Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

 (date)

 Signature of Petitioner